

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NIKE, INC.,

Plaintiff,

-v-

BY KIY LLC, et al.,

Defendants.

CIVIL ACTION NO.: 23 Civ. 2431 (VM) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

In response to the Court's order directing the parties to file a joint letter certifying the close of fact discovery (ECF No. 89), the parties have each separately filed a letter declining to certify that fact discovery has completed and raising various open discovery issues and follow-up requests each intends to make of the other. (ECF Nos. 120; 123 (the "Letters")). Although neither expressly so states, the parties are implicitly requesting an extension of the fact discovery deadline. As the parties are aware, attorneys John Durrant and Zakary Kurtz have filed a motion to withdraw as counsel for Defendants By Kiy LLC ("By Kiy") and Nickwon Arvinger ("Mr. Arvinger") (ECF No. 115), and briefing of that motion will not be complete until August 18, 2023. (ECF No. 110). Whether these attorneys will continue to represent By Kiy and Mr. Arvinger impacts the extent and timing of any further fact discovery. Accordingly, to the extent the Letters request an extension of the fact discovery deadline, those requests are DENIED WITHOUT PREJUDICE to renewal following the Court's ruling on the motion to withdraw.

The Clerk of Court is respectfully directed to close ECF No. 123.

Dated: New York, New York
August 1, 2023

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge